IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BNP PARIBAS,

Civil Action

Plaintiff,

-against-

No. 2:12-CV-04535-LS

CHURCHILL DEVELOPMENT GROUP LLC and JOSEPH F. LOGUE, JR.,

Defendants.

REQUEST TO ENTER DEFAULT AGAINST DEFENDANTS CHURCHILL DEVELOPMENT GROUP LLC AND JOSEPH F. LOGUE, JR.

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff BNP Paribas, by and through its undersigned counsel, K&L Gates LLP, hereby requests that the Clerk enter default against Defendants Churchill Development Group LLC and Joseph F. Logue, Jr. ("Defendants"). In support of this request, Plaintiff incorporates the Declaration of Andrew L. Swope, attached hereto as Exhibit 1, and states as follows:

- 1. BNP Paribas moves for the entry of default against Defendants for their failure to answer or otherwise respond to the Complaint filed on August 9, 2012. A copy of the docket in the above-captioned matter is attached hereto as Exhibit 2.
- 2. Plaintiff commenced this action on August 9, 2012, by filing the Complaint against Defendants.
- 3. On August 23, 2012, both Defendants were properly served with a copy of the Summons and Complaint by means of personal service on Defendant Joseph F. Logue, Jr., who is President of Defendant Churchill Development Group LLC. Copies of the Summonses and returns of service are attached hereto as Exhibit 3.

The time for Defendants to file an answer to the Complaint has expired 4. because Defendants were required to respond on or before September 13, 2012, "within 21 days

To date, Defendants have not served an answer or any other responsive

after being served with the summons and complaint." Fed. R. Civ. P. 12(a)(1)(A)(i).

pleading to the Complaint and have never requested an extension of time to respond to the

Complaint from either Plaintiff or the Court.

6. Rule 55(a) of the Federal Rules of Civil Procedure provides that "[w]hen a

party against whom a judgment for affirmative relief is sought has failed to plead or otherwise

defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's

default." Fed. R. Civ. P. 55(a).

5.

Plaintiff is entitled to the entry of default against Defendants. 7.

WHEREFORE. Plaintiff BNP Paribas respectfully requests that, in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, the Clerk enter a default on Plaintiff's Complaint

against Defendants Churchill Development Group LLC and Joseph F. Logue, Jr.

Dated: September 28, 2012

Respectfully submitted,

Andrew L. Swope PA ID No. 55817

K&L GATES LLP

17 North Second Street, 18th Floor Harrisburg, Pennsylvania 17101-1507

(717) 231-4500

Andrew.swope@klgates.com

Attorneys for Plaintiff BNP Paribas

Exhibit 1

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BNP PARIBAS,

Civil Action

Plaintiff,

-against-

No. 2:12-CV-04535-LS

CHURCHILL DEVELOPMENT GROUP LLC and JOSEPH F. LOGUE, JR.,

Defendants.

DECLARATION OF ANDREW L. SWOPE IN SUPPORT OF PLAINTIFF'S REQUEST TO ENTER DEFAULT AGAINST DEFENDANTS CHURCHILL DEVELOPMENT GROUP LLC AND JOSEPH F. LOGUE, JR.

- I, Andrew L. Swope, hereby declare as follows:
- 1. I am over eighteen years of age, have personal knowledge of the matters set forth herein, and am competent to testify thereto.
- 2. I am an attorney with the law firm of K&L Gates LLP, am a member in good standing of the bar of the Commonwealth of Pennsylvania and represent Plaintiff BNP Paribas in the above-captioned matter.
 - 3. Plaintiff filed the Complaint with this Court on August 9, 2012.
- 4. A copy of the Summons and Complaint was properly served on Defendants on August 23, 2012.
- 5. To date, Defendants have not served an answer or any other responsive pleading to the Complaint and have never requested an extension of time to respond to the Complaint.
- 6. Pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure,

 Defendants were required to serve an answer or otherwise plead to the Complaint on or before

 September 13, 2012.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed September 28, 2012, in Harrisburg, Pennsylvania.

ndrew L. Swope

Exhibit 2

STANDARD

United States District Court Eastern District of Pennsylvania (Philadelphia) CIVIL DOCKET FOR CASE #: 2:12-cv-04535-LS

BNP PARIBAS v. CHURCHILL DEVELOPMENT GROUP

LLC et al

Assigned to: HONORABLE LAWRENCE F. STENGEL

Cause: 28:1332 Diversity-Other Contract

Date Filed: 08/09/2012 Jury Demand: None

Nature of Suit: 190 Contract: Other

Jurisdiction: Diversity

Plaintiff

BNP PARIBAS

represented by ANDREW L. SWOPE

K &L GATES LLP

17 NORTH SECOND ST., 18TH FL HARRISBURG, PA 17101–1507

717-231-4500 Fax: 717-231-4501

Email: andrew.swope@klgates.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

CHURCHILL DEVELOPMENT GROUP LLC

Defendant

JOSEPH F. LOGUE, JR.

Date Filed	#	Docket Text
08/09/2012	1	COMPLAINT against CHURCHILL DEVELOPMENT GROUP LLC, JOSEPH F. LOGUE, JR (Filing fee \$ 350 receipt number 067493.), filed by BNP PARIBAS. (Attachments: #1 Case Management Track Form, #2 Civil Cover Sheet, #3 Designation Form)(jwl,) (Main Document 1 replaced on 8/10/2012) (jwl,). (Entered: 08/10/2012)
08/09/2012	2	Disclosure Statement Form pursuant to FRCP 7.1 by BNP PARIBAS.(jwl,) (Entered: 08/10/2012)
08/09/2012		Summons Issued as to CHURCHILL DEVELOPMENT GROUP LLC, JOSEPH F. LOGUE, JR. Two Forwarded To: Counsel on 8/10/12 (jwl,) (Entered: 08/10/2012)
08/29/2012	3	SUMMONS Returned Executed by BNP PARIBAS re: Nuno Veiga served Summons and Complaint upon CHURCHILL DEVELOPMENT GROUP LLC by personally serving Joseph F. Logue, Jr., President of Churchill Development Group LLC. CHURCHILL DEVELOPMENT GROUP LLC served on 8/23/2012, answer due 9/13/2012. (SWOPE, ANDREW) (Entered: 08/29/2012)
08/29/2012	4	SUMMONS Returned Executed by BNP PARIBAS re: Nuno Veiga served Summons and Complaint upon JOSEPH F. LOGUE, JR by personally serving Joseph F. Logue, Jr JOSEPH F. LOGUE, JR served on 8/23/2012, answer due 9/13/2012. (SWOPE, ANDREW) (Entered: 08/29/2012)

Exhibit 3

Case 2:12-cv-04535-LS Document 3 Filed 08/29/12 Page 1 of 2

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

	BNP PARIBAS) .		
	Plaintiff)		
	v.)	Civil Action No.	12-4535
-	CHURCHILL DEVELOPMENT GROUP LLC and JOSEPH F. LOGUE, JR.,)		
	Defendant)		•

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CHURCHILL DEVELOPMENT GROUP LLC 200 SOMERSET CORPORATE BOULEVARD SUITE 1003
BRIDGEWATER, NEW JERSEY 08807

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Andrew L. Swope, Esq.

K&L Gates LLP 17 N. 2nd Street, 18th Floor Harrisburg, PA 17101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Michael E. Kunz Clerk of Court

Date: 8912

Signature of Clerk or Deputy Clerk

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Case 2:12-cv-04535-LS Document 3 Filed 08/28/12 Page 10 of 13

AO 440 (Rev. 10/9	93) Summons in a Civil Action	RETURN OF SERVICE	E .	
	IY A UNITED STATES MAGISTRA	AINT, CIVIL COVER SHEET TE JUDGE, CASE MANAGN	, NOTICE TO CONSENT TO EXERCISE OF IENT TRACK DESIGNATION FROM, EXHIBITS	· .
EFFECTED (1) B'	Y ME: <u>NUNO VEIGA</u> PROCESS SERVER		DATE: 08/23/2012 08:53PM	
CHECK ONE BOX	K BELOW TO INDICATE APPROPI	RIATE METHOD OF SERVIC	E:	
Served person	ally upon the defendant:			
CHURCHILL DEV	ELOPMENT GROUP LLC	·		
Place where serve	ed:			
32 OLDE TOWN	CT BERNARDSVILLE NJ			
[] Left copies the therein. Name of p	ereof at the defendant's dwelling hor person with whom the summons an	use or usual place of abode wild complaint were left.	rith a person of suitable age and discretion then re	esiding
JOSEPH F. LOGL	JE, JR.	· · · · · · · · · · · · · · · · · · ·		
Relationship to de	efendant: PRESIDENT	· · · · · · · · · · · · · · · · · · ·		
Description of per	son accepting service:			
SEX: M AGE: <u>5</u>	1-65_HEIGHT: <u>5'4"-5'8"</u> WEIG	3HT: <u>161-200 LBS.</u> Sk	IN: WHITE HAIR: GRAY OTHER:	
[X] To the best of	my knowledge, said person was no	ot engaged in the U.S. Military	at the time of service	
		·		
		STATEMENT OF SERV	ER .	
TRAVEL \$	SERVIC	ES \$	TOTAL \$	
		DECLARATION OF SER	VER	
1 declare	e under penalty of perjury under the this Return of	e laws of the United States of Service and Statement of Ser	America that the foregoing information contained wer is true and correct.	in
DATE: S 124	1/2012		L.S.	
	GU	SIGNATURE OF <u>NUNO V</u> JARANTEED SUBPOENA SE 2009 MORRIS AVENL	RVICE, INC.	
		UNION, NJ 07083		
PLAINTIFF:	ANDREW L. SWOPE, ESQ. BNP PARIBAS CHURCHILL DEVELOPMENT GR DISTRICT 12 CV 04535 LS	OUP LLC, ET AL	EDDIE ACOSTA, JR. NOTARY PUBLIC OF NEW JERSEY My Coprinson Diplies March 15, 201.	5

Case 2:12-cv-04535-LS Document 5 Filed 09/28/12 Page 11 of 13

Case 2:12-cv-04535-LS Document 4 Filed 08/29/12 Page 1 of 2

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

	BNP PARIBAS)	• •	
	Plaintiff)		
	v.	Ś	Civil Action No.	12-4535
CHUR	CHILL DEVELOPMENT GROUP LLC and JOSEPH F. LOGUE, JR.,)		
	Defendant	•)	•	

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOSEPH F. LOGUE, JR.
32 OLDE TOWN COURT
BERNARDSVILLE, NEW JERSEY 07924

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Andre

Andrew L. Swope, Esq.

K&L Gates LLP 17 N. 2nd Street, 18th Floor

17 N. 2nd Street, 18th Floo Harrisburg, PA 17101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

Michael E. Kunz Clerk of Court

Signature of Clerk or Deputy Clerk

Case 2:12-cv-04535-LS Document 5 Filed 09/28/12 Page 12 of 13

Case 2:12-cv-04535-LS Document 4 Filed 08/28/12 Page 12 of 13

JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE, CASE MANAGMENT TRACK DESIGNATION FROM, EXHIBITS EFFECTED (1) BY ME: NUMCY BIGA PROCESS SERVER DATE: 08/23/2012 08:50PM CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE: [X] Served personally upon the defendant: JOSEPH F. LOQUE, JR. Place where served: 32 QLDE TOWN COURT. BERNARDSVILLE NJ 07924 [1] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: JOSEPH F. LOGUE, JR. Relationship to defendant: SELF Description of person accepting service: SEX: M. AGE: 51-65. HEIGHT: 64'-68". WEIGHT: 181-200 LBS. SKIN: WHITE HAIR: GRAY OTHER: [X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service STATEMENT OF SERVER I declare under penalty of penjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Service is true and correct. DATE: 52 / 24 / 2012 LS. SIGNATURE OF NUMCY VEIGA GUARANTICE. INC. 2009 MORRIS ANEINE UNION, NJ 07083 ARTIORNEY: ANDREW L. SWOPE, ESQ. PLAINTIFF: BNP PARIBAS DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL. SEDUE ACOSTA, IR.	AO 440 (Rev. 10/	93) Summons in a Civil	Action RETUR	N OF SERVICE	
CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE: [X] Served personally upon the defendant: JOSEPH F. LOGUE JR. [] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: JOSEPH F. LOGUE JR. Relationship to defendant: SELF Description of person accepting service: SEX: M_ AGE: 51-65_ HEIGHT: 54*58" WEIGHT: 161-200 LBS. SKIN: WHITE HAR: GRAY OTHER: [X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service SEX: M_ AGE: 51-65_ HEIGHT: 54*58" WEIGHT: 161-200 LBS. SKIN: WHITE HAR: GRAY OTHER: [X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service STATEMENT OF SERVER I declare under penalty of perjury under the laws of the United Statesjof America that the foregoing information contained in this Return of Service and Statement of Service is true and correct. DATE: 52 / 24 / 2012 LS. SIGNATURE OF MUNO VEIGA GUARANTIED SUBPICENA SERVICE, INC. 2009 MORRIS AVENUE. UNION, NJ 07083 ANDREWL SWOPE, ESO. BNP PARRIAS BNP PAR	EFFECTED (1) B	BY A UNITED STATES I Y ME: <u>NUNO VEIGA</u>	MAGISTRATE JUDGE, CA	SE MANAGMENT TRACK D	ESIGNATION FROM, EXHIBITS
[X] Sarved personally upon the defendant: JOSEPH F. LOGUE, JR. Place where served: 32 QLDE TOWN COURT BERNARDSVILLE NJ 07924 [] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: JOSEPH F. LOGUE, JR. Relationship to defendant: SELF Description of person accepting service: SEX. M. AGE: 51-65. HEIGHT: 54'-58' WEIGHT: 181-200 LBS. SKIN: WHITE HAIR: GRAY OTHER: [X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service SEX. M. AGE: 51-65. HEIGHT: 54'-58' WEIGHT: 181-200 LBS. SKIN: WHITE HAIR: GRAY OTHER: [X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service STATEMENT OF SERVER I declare under penalty of perjury under the laws of the United Statesjof America that the foregoing information contained in this Return of Service and Statement of Service is true and correct. DATE: \$\frac{5}{2} \cdot 24' \cdot /2012} LS. SIGNATURE OF MUNO VEIGA GUARANTEED SUBSIDENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 ANDREWL SWOPE, ESQ. PLAINTIFF: BNP PARRIAS BNP PARRI	TITLE:	PROCESS SE	RVER	DATE: 0	8/23/2012 08:50PM
Place where served: 32 QLDE TOWN COURT_BERNARDSVILLE NJ 07924 [] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: JOSEPH F. LOGUE_JR. Relationship to defendant: SELE Description of person accepting service: SEX: M_AGE: 51-65	CHECK ONE BO	X BELOW TO INDICATE	APPROPRIATE METHOL	O OF SERVICE:	
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22 QLDE TOWN COURT BERNARDSVILLE NJ 07924 [] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: JOSEPH F. LOGUE_JR. Relationship to defendant: SELF Description of person accepting service: SEX: M_AGE: 51-65_HEIGHT: 54"-56" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: GRAY OTHER: CALL S SERVICES \$	JOSEPH F. LOGI	UE, JR.			
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SEX: MAGE: 51-65HEIGHT: 5'4"-5'8" WEIGHT: 161-200 LBS. SKIN; WHITE HAIR: GRAY OTHER: [X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service STATEMENT OF SERVER TRAVEL \$ SERVICES \$ TOTAL \$	Relationship to de	efendant: <u>SELF</u>	<u> </u>	·	
STATEMENT OF SERVER TRAVEL \$ SERVICES \$ TOTAL \$ DECLARATION OF SERVER I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct. DATE: \$\frac{5}{2} \cdot 24 \cdot / 2012. Ls. SIGNATURE OF NUMO VEIGA GUARANTEED SUBHOENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 ANDREW L. SWOPE, ESQ. PLAINTIFF: BNP PARIBAS DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL DISTRICT DOCKET: 12 CV 04535 LS PLOTE SERVER EDDIE ACOSTA, IR NOTARY PUBLIS OF NEW JERSEY My Commission Points March 15, 2015	Description of per	rson accepting service:			
STATEMENT OF SERVER TRAVEL \$ SERVICES \$ TOTAL \$ DECLARATION OF SERVER I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct. DATE: 5 / 24 / 2012 L.S. SIGNATURE OF NUNO VEIGA GUARANTEED SUBPLOENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 ATTORNEY: ANDREW L. SWOPE, ESQ. PLAINTIFF: BNP PARIBAS DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL DOCKET: 12 CV 04535 LS MY Communication B Dates March 15, 2015	SEX. <u>M</u> _AGE: <u>5</u>	1-65 HEIGHT: 5'4"-5'	B"WEIGHT: 161-200 L	BS. SKIN: WHITE	HAIR: GRAY OTHER:
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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct. DATE: 5. / 24 / 2012 L.S. SIGNATURE OF NUNO VEIGA GUARANTEED SUBFIDENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 ATTORNEY: ANDREW L. SWOPE, ESQ. PLAINTIFF: BNP PARIBAS DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL VENUE: DISTRICT DOCKET: 12 CV 04535 LS EDDIE ACOSTA, IR. NOTARY PUBLIC OF NEW JERSEY My Commission Epires March 15, 2015	TRAVEL \$	·	SERVICES \$	_ TOTAL \$	
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SIGNATURE OF NUNO VEIGA GUARANTEED SUBH DENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 ATTORNEY: ANDREW L. SWOPE, ESQ. PLAINTIFF: BNP PARIBAS DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL VENUE: DISTRICT DOCKET: 12 CV 04535 LS SIGNATURE OF NUNO VEIGA GUARANTEED SUBH DENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 FDDIE ACOSTA, IR NOTARY PUBLIC OF NEW JERSEY My Commission B pires March 15, 2015	I declare	e under penalty of perjur this	y under the laws of the Uni	ted States of America that the	foregoing information contained in orrect.
GUARANTEED SUBPOENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 ATTORNEY: ANDREW L. SWOPE, ESQ. PLAINTIFF: BNP PARIBAS DEFENDANT: CHURCHILL DEVELOPMENT GROUP LLC, ET AL VENUE: DISTRICT DOCKET: 12 CV 04535 LS GUARANTEED SUBPOENA SERVICE, INC. 2009 MORRIS AVENUE UNION, NJ 07083 EDDIE ACOSTA, JR. NOTARY PUBLIC OF NEW JERSEY My Complission Expires March 15, 2015	DATE: <u>%</u> / 24	L/2012	·	L.S.	
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VENUE: DISTRICT DOCKET: 12 CV 04535 LS NOTARY PUBLIC OF NEW JERSEY My Commission Biplies March 15, 2015	ATTORNEY: PLAINTIFF:	BNP PARIBAS		a. 	
March 15, 2015	DEFENDANT: VENUE: DOCKET:	DISTRICT	PMENT GROUP LLC, ET A	UD NOTA	RY PARTIE OF MEN.
	(1) As to who may	y serve a summons see	Rule 4 of the Federal Rule:		March 15, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that, on September 28, 2012, a true and correct copy of the foregoing Request for Default was served via First Class Mail upon the following:

Churchill Development Group LLC 200 Somerset Corporate Boulevard, Suite 1003 Bridgewater, NJ 08807

> Joseph F. Logue, Jr. 32 Olde Town Court Bernardsville, NJ 07924

> > Andrew L. Swope PA ID No. 55817 K&L GATES LLP

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